

MISSOURI BOARD OF PHARMACY,

Petitioner,

v.

Case No. 2016-006870

Jesse M. Garcia, R.Ph.

Respondent

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

This matter appears before the Missouri Board of Pharmacy pursuant to a Consent Order issued by the Administrative Hearing Commission as a result of a Joint Stipulation for Cause to Discipline between Missouri Board of Pharmacy and Jesse M. Garcia, R.Ph. and Consent Order issued by the Administrative Hearing Commission which was incorporated into the record of this matter. See page 15 of the transcript and Exhibits 2, 3, and 4. Each Board member participating in this decision read the Consent Order issued by the Administrative Hearing Commission and the Joint Stipulation for Cause to Discipline between Missouri Board of Pharmacy and Garcia, as well as each exhibit and considered each exhibit in reaching the decision reflected in this Order. See transcript page 7.

Findings of Fact

1. The Board set this matter for hearing and served notice of the disciplinary hearing upon respondent.
2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on October 25, 2018, at the Broadway Hotel, 1111 East Broadway, Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacist license of respondent. Garcia appeared in person and with counsel Jason Call. The Board was represented by Alicia Turner. See transcript page 9.
3. All Board members participating in the decision of the Board were present throughout the disciplinary hearing.
4. The Missouri Board of Pharmacy ("Board") is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.
5. Respondent is licensed by the Board, License No. 2013022766, which license was current and active at the time of the incidents which form the basis of the charge. See page 6 of the transcript.

6. The Joint Stipulation to Cause for Discipline had certain provisions regarding the facts that the parties agreed give cause to discipline the license of the respondent. See Joint Stipulation and the Consent Order of the Administrative Hearing Commission. Respondent's attorney agreed at the disciplinary hearing that respondent committed acts that give cause for the Board to impose discipline on his pharmacist license. See pages 12-14 and 76-78 of the transcript. Mr. Garcia's attorney agreed in his opening statement that the Board has cause for discipline, but stated that Mr. Garcia had "turned his life around" and understands that what he did was wrong but is confident he will not repeat the violations that led to this hearing. See pages 12-14 of the transcript.
7. The Board admitted Exhibits 1-4 without objection from Respondent. See page 15 of the transcript.
8. Mr. Garcia testified. He is working as a medical science liaison for GSK and has no access to drugs of any kind. See pages 17-20 of the transcript. He travels in his job. See pages 20-21 of the transcript.
9. Mr. Garcia also works from time to time from home. See pages 21-22 of the transcript. That helps him interact with his family, even though he typically works 40-45 hours per week. He moved from Lee's Summit Missouri to Texas on August 6, 2018. See pages 22-23 of the transcript.
10. Mr. Garcia cried during his testimony and explained that he was embarrassed. See page 23 of the transcript.
11. Mr. Garcia explained what he does with his family, both helping in school and extracurricular activities. See pages 23-24 of the transcript.
12. Garcia sought counseling while employed at Wal Mart. He also sought his own counseling, and has been helped Chuck Foshee. He also has consulted with a psychiatrist, John Francis. See pages 25-30 and 37 of the transcript. Mr. Garcia did not supply any letters or affidavits from either Dr. Francis or Mr. Foshee.
13. Garcia has prescriptions for Xanax and trazodone from Dr. Francis. See page 27 of the transcript. He has retained a new doctor in Texas. He explained the circumstances of how he may be allowed to obtain medicines. See pages 28-29 of the transcript.
14. On cross examination Mr. Garcia admitted that he knew he was not allowed to create a prescription for himself without authorization from a physician. He also knew he could not create such a prescription for a friend. He also knew he could not create a prescription without a physician authorization for a family member. He also knew he could not create such prescriptions for either controlled substances or for prescription medicines. He agreed that he did these prohibited acts on two occasions for controlled substances. See pages 32-33 of the transcript.
15. Mr. Garcia did the prohibited acts identified in paragraph 14 at a time he was uncertain if he had a substance abuse problem. At the date of the hearing, Garcia

stated that he did not currently have a substance abuse problem. See pages 33-34 of the transcript.

16. His "plan" is to have a good support system. He plans to continue to see the Texas physicians. See pages 34-35 of the transcript.
17. Prior to moving to Texas he travelled extensively for GSK. His recent move has made his job less stressful. See pages 31-32 of the transcript. He is not required to have a pharmacist license to perform the functions he does in his current employment. See page 48 of the transcript.
18. Garcia explained that he took the substances that required prescriptions identified in the stipulation because he was over worked but said there was no excuse for doing it. He no longer has the stressors in his life. See pages 34-35, 44-45, 47, and 62 of the transcript.
19. Garcia has moved but did not update his address with the Board as is required by licensees. See pages 47-48 of the transcript.
20. He explained why he chose to take the particular drugs by creating fake prescriptions. See pages 48-49 of the transcript.
21. Exhibit A was admitted and is a job description for his current employment. See pages 51-52 of the transcript
22. Exhibit B is a letter dated August 11, 2017, to the former attorney for Mr. Garcia from Mr. Foshee. The letter includes a summary of what Mr. Garcia told Mr. Foshee, including admissions from Mr. Garcia of the violations of law applicable to pharmacists described above. The letter describes accurately the diagnosis made by Mr. Foshee and conveyed to Mr. Garcia. Although the letter does contain hearsay, the Board admitted it into evidence and considered it in rendering this Order. See pages 55-64 of the transcript.
23. Mr. Garcia called Lee Trotter, RPh, as a witness who testified by telephone. Mr. Trotter spoke about training Garcia as a pharmacist and as a pharmacist in charge. He stated that Garcia is an exemplary pharmacist. The violations to which Garcia admitted were out of character for Garcia according to Mr. Trotter. Mr. Trotter would have no problem hiring Garcia as a pharmacist. See pages 66-72 of the transcript.
24. During closing argument the attorney for Mr. Garcia admitted that Garcia violated the laws applicable to pharmacists and believed that a period of probation on Garcia's pharmacist license is appropriate. He did not believe that any testing regarding illegal drug use is needed based upon the statements made by Garcia that he is not impaired. See pages 76-78 of the transcript.

25. The parties agreed that the Board has authority to discipline the pharmacist license of Mr. Garcia as provided in Section 338.055.2 (5), (6), (13), (15), and (17). See Joint Stipulation. The Joint Stipulation and the testimony of Mr. Garcia demonstrate that Mr. Garcia understands that he violated provisions of Chapter 338 to the extent that the Board may impose whatever length and terms of discipline it chooses. The Board must decide what discipline to impose to protect the public, while also recognizing the steps Mr. Garcia has taken to avoid repetition of his violations of Chapter 338.

Conclusions of Law

26. The Board has jurisdiction over this proceeding in that the parties have agreed that the Board has cause to discipline the license of the respondent. State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150, 160-161 (Mo. App., K.C.D. 1974).
27. The Board has jurisdiction to take disciplinary action against respondent in that the parties have agreed that such action may be taken.
28. Respondent's license to practice as a pharmacist, numbered 2013022766, is subject to revocation, suspension, probation, or censure by the Board pursuant to the provisions of Section 338.055.2 (5), (6), (13), (15), and (17). The Board determined the discipline imposed as set forth below based upon the facts of this case, and in consideration of the testimony presented at the hearing.

Disciplinary Order

Therefore having considered all of the evidence before the Board, it is the ORDER of the Missouri Board of Pharmacy that the pharmacist license issued to respondent, number 2013022766, is hereby placed on **PROBATION for five (5) years**. This Order shall become effective fifteen (15) days after it is signed by the Executive Director.

The following terms shall apply to the entire disciplinary period:

29. Respondent shall comply with all applicable provisions of Chapter 338, Chapter 195, Chapter 196 and all applicable federal and state pharmacy/drug laws and regulations and all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.
30. Respondent shall not serve as pharmacist-in-charge or manager-in-charge of any entity licensed or regulated by the Board, or as a preceptor for pharmacy interns or as a teaching member of any school or college of pharmacy. Additionally, Respondent shall not serve as a consultant required by a Board disciplinary order for any pharmacy/drug distributor.

31. Respondent shall keep the Board apprised of his current home, electronic mail (e-mail) and work addresses and telephone numbers. Respondent shall notify the Board of any change in Respondent's employer or Respondent's home or work address within ten (10) days of such change in a manner approved by the Board. For employer/work changes, Respondent's notification shall include the reasons for the change. If at any time Respondent is employed by a temporary employment agency or maintains employment that requires frequent daily or weekly changes of work locations he must provide the Board a list of locations worked if requested by the Board or Board's representative.
32. If Respondent's license expires or becomes void/invalid, upon renewal or reapplication Respondent's license shall be subject to all terms and conditions of discipline not previously satisfied, including, any remaining suspension/probationary period.
33. Respondent shall cooperate with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of this Disciplinary Order. Respondent shall make himself available for personal interviews to be conducted by a member of the Board or the Board of Pharmacy staff. Said meetings shall be at the Board's discretion and may occur periodically during the disciplinary period.
34. Respondent shall respond to any written inquiry of the Board and provide any requested documentation/records within three (3) days of receipt of a written request from the Board or the Board's authorized designee, or as otherwise requested by the Board/Board designee.
35. If requested by the Board, Respondent shall submit to a criminal history background check via the Board's approved vendor at Respondent's cost. Unless otherwise directed by the Board, Respondent shall submit the required fingerprints and undergo the requested criminal history background check within ten (10) days of the Board's request.
36. Respondent shall submit to any drug, alcohol or urinalysis testing requested by the Board, at Respondent's cost. Testing may be conducted on any human sample, including, but not necessarily limited to, urine, blood, breath, hair, nails, skin or saliva. The timing, manner and scheduling for testing is within the Board's sole discretion.
37. Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:
 - a. Any arrest or issuance of a criminal complaint;
 - b. Any municipal/local arrest, citation or complaint relating to drugs, theft, shoplifting, burglary, possession of drug paraphernalia, driving or operating a motor vehicle under the influence/while intoxicated or illegally possessing, selling or purchasing alcohol, any drug or drug paraphernalia;
 - c. A finding or plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment, including, but not limited to, any deferred or diverted adjudication, order or agreement;
 - d. A conviction of any crime, including, but not limited to, any Suspended Imposition of Sentence ("SIS") or Suspended Execution of Sentence ("SES");

- e. A finding by a court that Respondent has violated any term of his criminal probation/parole;
- f. Any discipline, citation, or other administrative action filed or taken against Respondent by any state board/committee of pharmacy, or any other state or federal agency.

Failure to timely report any of the foregoing occurrences shall be considered a disciplinary violation.

- 38. If Respondent is currently or begins serving any period of criminal probation/parole, Respondent shall provide the name of his or her probation/parole officer to the Board, in writing, within ten (10) days of the effective date of this Order or within ten (10) days of the designation of a probation/parole officer. If Respondent's probation/parole officer is changed for any reason, Respondent shall submit the name of the replacement officer to the Board within ten (10) days of the change/modification. Respondent shall execute a release authorizing his probation or parole officer to provide to the Board any information relating to Respondent's probation or parole. Respondent shall maintain the release in effect and shall provide an updated release if requested by the Board.
- 39. Respondent shall file a "Disciplinary Compliance Report" with the Board in a form/manner approved by the Board. The Disciplinary Compliance Report shall be due by January 1 and July 1 of each calendar year. Respondent's final Disciplinary Compliance Report shall be filed no later than ninety (90) days before the end of the probationary period.
- 40. Respondent's failure to comply with any condition of discipline set forth herein constitutes a violation of this disciplinary Order.
- 41. The Board of Pharmacy will maintain this Order as an open record of the Board as provided in Chapters 324, 338, 610, RSMo.

NOTICE TO EMPLOYERS

- 42. If applicable, Respondent shall notify any employer of the employer's need to apply for and receive the necessary state (misdemeanor/felony) and federal (felony) waivers from the Bureau of Narcotics and Dangerous Drugs and the Drug Enforcement Administration in order to be employed within a facility that maintains state or federal registrations for the purpose of storing, distributing or dispensing controlled substances.
- 43. Except as otherwise provided herein, "Employment" within the meaning of this Order shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist or any position for which a pharmacist license, pharmacy intern license or pharmacy technician registration is a requirement or criterion for employment, regardless of whether Respondent is an employee, independent contractor, volunteer, instructor or consultant. "Employment" shall also include any entity where legend drugs are stored, sold, dispensed or distributed.

44. Paragraphs 45 through 47 shall apply if Respondent resides in the state of Missouri, is employed within the state of Missouri, or is employed by any facility licensed by the Board regardless of facility location.
45. Respondent shall notify any current or future employers of this action by providing a copy of this Disciplinary Order to the pharmacist-in-charge or manager-in-charge of any pharmacy or drug distributorship where Respondent is employed, on or before the effective date of discipline or prior to accepting any offer of employment.
 - a. If Respondent is not or will not be employed by a pharmacy or drug distributor, the notice shall be provided to Respondent's direct supervisor at Respondent's current/prospective place of employment, as defined herein, within the timeframes required by this section.
 - b. For purposes of this Order, a pharmacy shall also include, but is not limited to, any location providing pharmacy services for inpatients of a licensed hospital or residents of a long term care facility.
46. Respondent shall cause the pharmacist-in-charge, manager-in-charge or supervisor to sign a written acknowledgment on a form approved by the Board indicating that he has received and reviewed the Disciplinary Order and the terms and conditions imposed thereby. The written acknowledgement shall be signed and dated by the applicable pharmacist-in-charge, manager-in-charge or supervisor and shall be submitted to the Board by Respondent for verification within ten (10) days of the dated signature. Respondent shall be responsible for ensuring the required signed acknowledgments are timely submitted to the Board.
47. If at any time Respondent is employed by a temporary employment agency, Respondent must provide each employment agency a copy of this Disciplinary Order prior to being assigned to a temporary employment site. Respondent shall also provide a copy of the Disciplinary Order to each pharmacist-in-charge or manager-in-charge of each pharmacy or drug distributor where Respondent is assigned to work. If the pharmacist-in-charge or manager-in-charge is not present at the employment site, a copy of the Disciplinary Order shall be left at the applicable site for the pharmacist-in-charge/manager-in-charge to review. Respondent shall provide an accurate listing of all employment/work sites where Respondent has been assigned if requested by the Board or the Board's authorized designee.
48. Licensee shall execute any release or provide any authorization necessary for the Board to obtain records of Respondent's employment during the period covered by this Disciplinary Order.

CONTINUING EDUCATION

49. Within three (3) months of the effective date of this Disciplinary Order, Respondent shall take and pass the Board approved Pharmacy Practice Guide Continuing Education Examination, if available. Respondent shall register and complete the required examination via the Board's website or as otherwise requested by the Board.
50. Respondent shall take a minimum of 6.0 continuing education (0.60 CEUs) hours in pharmacy law during each biennial pharmacist renewal period that is completed

while Respondent is on discipline. The continuing education required by this section shall comply with 20 CSR 2220-7.080 and may be used to satisfy the licensee's biennial continuing education requirement. Proof of compliance with the continuing education requirements of this section shall be submitted to the Board on or before October 31st of each biennial pharmacist renewal period.

51. Paragraphs 52 through 81 shall apply if Respondent resides in the state of Missouri, is employed within the state of Missouri, or is employed by a facility licensed by the Board regardless of facility location

CHEMICAL DEPENDENCY

52. Respondent shall abstain completely from the use or consumption of alcohol in any form, including over-the-counter medications and mouthwashes. The presence of any alcohol or alcohol metabolite whatsoever in a biological fluid sample shall constitute a violation of discipline.
53. Respondent shall abstain completely from the personal use of any controlled substance or other drug for which a prescription is required unless use of the drug has been prescribed by an authorized prescriber with whom Respondent has a bona fide patient relationship. Upon request, Respondent shall execute a medical release authorizing the prescriber to release treatment/medical records to the Board and/or communicate with the Board, or its representative, regarding Respondent's treatment. The presence of any controlled substance for which Respondent does not hold a valid prescription shall constitute a violation of discipline.
54. Respondent shall inform any prescriber issuing a prescription for Respondent that Respondent has been disciplined by the Board for issues relating to chemical misuse, dependency or impairment. Additionally, Respondent shall provide a copy of this Order to all prescribers issuing/renewing a controlled substance, nalbuphine, or tramadol prescription to Respondent. Disclosure shall be made before the issuance of any new prescription(s). In the case of renewed/refilled prescriptions, disclosure shall be made within ten (10) days of the effective date of this Order.
55. Within 10 days of the effective date of this Order, Respondent shall provide the Board office a copy of all controlled substance prescriptions in Respondent's possession on the effective date of discipline. In lieu of prescription copies, Respondent may provide a list of all controlled substances prescribed on a form provided by the Board.
56. Respondent shall provide the Board with a copy of each prescription received, controlled or non-controlled, within five (5) days of Respondent's receipt of the prescription.
57. Respondent shall ensure that he is not in the same physical location as individuals who are using illicit drugs/substances, even if Respondent is not personally ingesting the drug/substance.
58. Respondent shall not be personally involved in any aspect of a pharmacy's processing, dispensing, or billing of any prescription for himself or any family

member, including, but not limited to, recording any telephone prescription or verbal refill authorization.

59. Respondent shall execute a release that allows the Board to obtain treatment, medical, assessment, attendance, counseling or evaluation records from any person or support groups providing treatment, evaluation or counseling. Licensee shall take any and all steps necessary to continue the release(s) in effect for the entire period covered by this Order. If requested by the Board, Respondent shall provide any new or additional release(s) within three (3) days of a request in a form provided by the Board.
60. Respondent shall take all necessary steps to ensure that any reports required by this Order are timely submitted to the Board.
61. If directed by the Board, Respondent shall become a participant in the Board's Well-Being Program established pursuant Section 338.380, RSMo, for the remainder of the disciplinary period, when the Program is fully operational. When notified by the Board, Respondent shall enroll in the Program as directed by the Board. Respondent shall bear all the costs of the Program.
62. Respondent shall bear all costs of complying with this Disciplinary Order.

DRUG TESTING:

63. Respondent shall participate in the Board's random drug testing/urinalysis program administered by FirstLab, the Board's approved drug testing/urinalysis vendor.
64. Licensee shall enroll in FirstLab's Professional Health Monitoring Program, on or before the effective date of this Disciplinary Order. Respondent shall comply with all requirements imposed by FirstLab for the Professional Health Monitoring Program, including, but not limited to, any drug test/urinalysis requirements, any scheduling requirements, any reporting or telephone contact requirements and any requirements for payment of fees, purchasing/maintaining chain of custody (COC) forms or other required program documents/materials.
65. Respondent shall undergo periodic drug testing/urinalysis as requested by the Board or FirstLab, at Respondent's cost. Testing may be conducted on any human sample, including, but not necessarily limited to, urine, blood, breath, hair, nails, skin or saliva. The timing, manner and scheduling for testing shall be within the Board's sole discretion.
66. If the Board's approved drug testing/urinalysis vendor changes from FirstLab, Respondent shall participate in and comply with any drug testing/urinalysis requirements requested by the Board or any subsequent Board approved vendor, including, but not limited to, any requirements for program enrollment, test scheduling, reporting or telephone contact, payment of fees, purchasing/maintaining chain of custody (COC) forms or any other required documents/materials.

CHEMICAL DEPENDENCY EVALUATION:

67. Within sixty (60) days of the effective date of this Order, Respondent shall undergo an initial chemical dependency evaluation performed by a licensed or certified chemical dependency professional approved by the Board.
68. The initial chemical dependency evaluator must be approved by the Board prior to the evaluation. The name and documentation of the credentials of the required chemical dependency evaluator shall be submitted to the Board for approval within thirty (30) days after the effective date of this Order. Respondent shall provide a copy of this Order to the approved evaluator before the initial evaluation is performed.
69. Respondent shall cause the evaluator to submit an initial evaluation report to the Board within ten (10) days after the evaluation has been completed. The evaluation report shall be mailed directly to the Missouri Board of Pharmacy, P.O. Box 625, Jefferson City, Missouri 65102, and shall include:
 - a. An analysis/assessment of licensee's present state of impairment and whether Respondent is physiologically or psychologically alcohol or drug dependent;
 - b. A description of the tests performed and the results;
 - c. Discussion of relevant clinical interview findings/interpretations;
 - d. Specification of any DSM IV diagnosis/es;
 - e. Assessment of Respondent's fitness/ability to safely engage in the practice of pharmacy without posing a threat to Respondent or the public;
 - f. An assessment for future prospects for recovery, and;
 - g. Any appropriate treatment recommendations/plan, including, but not limited to, the recommended beginning date of treatment, nature of treatment (i.e.-outpatient, inpatient, after care), treatment duration and any recommended after care or support group attendance. If there is no diagnosis requiring treatment, this should be reported in the evaluation.
70. Respondent shall execute a medical release for the approved evaluator that allows the Board to obtain the evaluation and any supporting documents/medical records.

IF TREATMENT IS NOT RECOMMENDED:

71. If the approved chemical dependency evaluator determines that treatment, counseling or further support group attendance is not recommended, the finding must be specifically documented in the required evaluation report.
72. The Board reserves the right to request a subsequent chemical dependency evaluation of Respondent at any time during the disciplinary period. If requested by the Board, the evaluations shall be performed by a licensed or certified chemical dependency professional approved or designated by the Board. Respondent shall submit to the examination as requested by the Board at Respondent's expense. If further evaluation is requested by the Board, Respondent shall comply with all provisions of this Order regarding the initial chemical dependency evaluation, including, submission of an evaluation report and compliance with all treatment, counseling or evaluation recommendations.

73. If no further treatment is recommended, Respondent shall continue to comply with all remaining provisions of this Disciplinary Order, including, but not limited to, all drug/urinalysis testing and reporting requirements.

IF TREATMENT IS RECOMMENDED:

74. Respondent shall follow any recommendations made by the approved chemical dependency evaluator for treatment, counseling, evaluation, after care or support group attendance (i.e.- Narcotics/Alcoholics Anonymous).
75. All treatment/counseling providers or programs used to satisfy the recommendations of the chemical dependency evaluator or the requirements of this Order must be approved by the Board in advance. The Board shall only approve entities/persons sufficiently qualified and licensed to provide the applicable treatment, evaluation or counseling.
- a. If the recommended treatment, counseling or evaluation will be provided by any person or entity other than the Board approved evaluator/program, Respondent shall submit written documentation of the credentials and qualifications of the proposed provider/program to the Board for approval within ten (10) days of a recommendation from the Board approved chemical dependency evaluator.
 - b. For individual providers, documentation shall include a listing of any applicable professional designation(s)/license(s) and a resume/curriculum vitae. For entities, documentation shall include a detailed description of the program, participant requirements, individual provider qualifications and length of program operation.
76. All chemical dependency treatment programs shall comply with the provisions of this Disciplinary Order and 20 CSR 2220-2.170(6), including, but not limited to, the following:
- a. A written agreement or contract executed between Respondent and the program/provider, outlining the responsibilities of each party for a successful treatment and monitoring program. The agreement must include a provision for sharing information concerning all aspects of therapy between the treatment facility/counselors and the Board. The agreement/contract must also include a provision authorizing the program/provider to report to the Board any violation of the treatment contract/agreement by Respondent, including, but not limited to, any positive drug/urinalysis test for any substance not supported by a valid prescription.
 - b. The treatment program must include randomized and witnessed body fluid testing and analysis.
 - c. Respondent shall cause Progress Reports to be submitted to the Board by the approved program/provider as follows:
 - 1. Inpatient therapy— Monthly reports;
 - 2. Outpatient therapy— Quarterly reports; and
 - 3. After-care programs— semiannual reports.
 - d. Progress Reports shall be based on a recent evaluation/consultation. Such evaluation/consultation shall not have occurred more than six (6) weeks prior to the Progress Report due date established herein. At a minimum, the Progress Report shall include:

- i. An evaluation of Respondent's current progress and prognosis;
- ii. An assessment of Respondent's compliance with all treatment recommendations/plan;
- iii. An assessment of Respondent's fitness/ability to safely engage in the practice of pharmacy without posing a threat to Respondent or the public, and;
- iv. Any additional or revised treatment recommendations/plans. Respondent shall fully comply with the revised treatment recommendation/plan.

77. **Support Group Attendance:** If support group attendance is recommended by an approved evaluator/provider, Respondent shall attend support group meeting(s) as recommended (i.e.- Narcotics Anonymous, Alcohol Anonymous, Al-Anon). Respondent shall submit proof of attendance to the Board with Respondent's Disciplinary Compliance Report. Attendance documentation shall include the date, time, and place of each meeting and shall bear a signature or abbreviated signature of another person verifying attendance.
78. Respondent shall notify the Board immediately if Respondent voluntarily or involuntarily ceases treatment or counseling with the Board approved provider. Notification shall include the date of cessation and the reasons for ceasing treatment/counseling. Respondent shall submit the name of a replacement treatment/counseling provider within thirty (30) days of ceasing treatment/counseling.
79. If Respondent's treatment is successfully completed at any time during the disciplinary period, Respondent shall cause the Board-approved chemical dependency professional to submit a report of final evaluation/summary. The final evaluation/summary shall include:
- a. A statement that Respondent has successfully completed treatment;
 - b. An assessment of Respondent's fitness/ability to safely engage in the practice of pharmacy without posing a threat to Respondent or the public, and;
 - c. Any recommendations for after care or support group attendance. If continued after care/support group attendance is recommended, Respondent shall comply with all terms in this Disciplinary Order related to support group attendance and documentation.
80. The Board reserves the right to request a subsequent chemical dependency evaluation of Respondent at any time during the disciplinary period. If requested by the Board, the evaluations shall be performed by a licensed or certified chemical dependency professional approved or designated by the Board. Respondent shall submit to the examination as requested by the Board at Respondent's expense. Respondent shall comply with all provisions of this Order regarding the initial chemical dependency evaluation, including, submission of an evaluation report and compliance with all treatment, counseling or evaluation recommendations.
81. If treatment is completed, Respondent shall continue to comply with all remaining provisions of this Disciplinary Order, including, but not limited to, all drug/urinalysis testing and reporting requirements.

ADDITIONAL DISCIPLINARY TERMS

82. Should Garcia violate any term or condition of this Order or any provision of Chapter 338, RSMo, the Board may vacate the order of discipline imposed herein and order such further or additional discipline as the Board deems appropriate, including, but not limited to, revocation, suspension and/or probation against Garcia's pharmacist license. No additional order shall be entered by the Board pursuant to this paragraph without notice and an opportunity for hearing before the Board of Pharmacy as a contested case, in accordance with the provisions of Chapter 536, RSMo.
83. Upon the expiration of the disciplinary period, Respondent's license as a pharmacist in Missouri shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Board determines that Respondent has violated any term or condition of this Order, or any provision of Chapter 338, RSMo, the Board may, in its discretion, vacate and set aside the terms and condition of the Order and order such further or additional discipline as the Board deems appropriate.
84. If the Board determines that Garcia has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation.

ENTERED THIS 10th DAY OF December, 2018

(BOARD SEAL)



KIMBERLY GRINSTON
EXECUTIVE DIRECTOR
MISSOURI BOARD OF PHARMACY